

# Just A Farmer - WORKPLACE BULLYING POLICY

**Just A Farmer SPV Pty Ltd**, are committed to providing a safe, respectful and inclusive workplace. Just A Farmer SPV Pty Ltd **WILL NOT** tolerate any form of bullying behaviour from any person.

## INTRODUCTION

Just A Farmer SPV Pty Ltd (the Company) believes that all workers are entitled to work in an environment free from workplace bullying.

A worker is any person who carries out work for the Company, including an employee, a contractor or subcontractor (and their employees), a labour hire worker, outworker, apprentice or trainee, work experience student or a volunteer.

Workplace bullying is a psychological hazard, meaning it is a risk to health and safety and it will not be tolerated. A breach of this policy may result in disciplinary action up to and including termination of employment/engagement.

## COMMENCEMENT OF POLICY

This policy commences on 20/01/2023. It replaces all other Workplace Bullying Policies (whether written or not).

## RELATED POLICIES

Investigation Policy

Discrimination and Harassment Policy

## APPLICATION OF THIS POLICY

This policy applies to all workers engaged by the Company in Australia. Every worker must comply with this policy as amended from time to time.

This policy extends to every associated entity of the Company with the meaning of section 50AAA of the Corporations Act 2001 (Cth).

This policy does not form part of and is not incorporated into any worker's contract of employment or contract for service with the Company.

This policy applies while the worker is at work for the Company. It also extends to work-related functions and outside of work where there is a sufficient connection to the workplace, including, but not limited to, the following:

- work or client functions;
- conferences, seminars or training sessions;
- work Christmas or other parties;
- business trips;
- use of social media; and
- any place defined as a workplace under relevant work health and safety legislation.

Workers must comply with this policy when going to other workplaces in connection with work for the Company, for example, when visiting a customer or supplier.

## WORKPLACE BULLYING LAWS

Under workplace bullying laws, workplace bullying is unlawful.

### Legal framework and obligations

What is the law on discrimination, harassment, sexual harassment and bullying?

There are specific laws pertaining to discrimination, harassment, sexual harassment and bullying. These laws intersect with WHS laws, which cover both physical and psychological health. Unless an exception

applies, employers and workers must comply with both national and relevant state/territory laws that prohibit discrimination, harassment, sexual harassment and bullying in the workplace.

### **WHAT IS WORKPLACE BULLYING?**

Workplace bullying is repeated, unreasonable behaviour directed towards a worker or a group of workers, that creates a risk to health and safety.

To constitute workplace bullying, the behaviour must be:

1. Repeated;
2. unreasonable; and
3. create a risk to health and safety.

**Repeated** behaviour refers to the persistent nature of the behaviour and not the specific form. It can refer to a range of behaviours over time. Behaviour is repeated if it is more than once and an established pattern can be identified. It may involve a series of diverse incidents.

**Unreasonable behaviour** is behaviour that a reasonable person, having regard to all the circumstances, would see as unreasonable. Unreasonable behaviour includes (but is not limited to) behaviour that is victimising, intimidating, humiliating or threatening.

**Behaviour** includes actions of an individual or group.

**Risk to health and safety** means the possibility of danger to health and safety.

### **EXAMPLES OF WORKPLACE BULLYING**

Examples of behaviour that may be considered to be workplace bullying if the above three criteria are met include:

- physical or verbal abuse, yelling, screaming or inappropriate use of offensive language;
- deliberately and without just cause, excluding or isolating a worker;
- belittling or humiliating a worker;
- assigning meaningless tasks unrelated to the worker's job;
- deliberately changing the work roster of a particular worker or group of workers to deliberately inconvenience them;
- undermining a worker's work performance by deliberately withholding or denying access to information, resources, supervision or consultation required for effective work performance or to undertake work (including unjustified criticisms or complaints);
- inequitable treatment in the same or similar circumstances;
- setting unreasonable timelines or constantly changing deadlines;
- putdowns, unwarranted criticism, excessive scrutiny or complaints regarding a worker's work;
- initiation ceremonies, threats, name-calling or spreading gossip, misinformation or malicious rumours; or
- interfering with personal property or work equipment.

Bullying may occur in person, or through other means e.g. telephone, text messages, emails, social media etc.

Bullying may occur by workers to fellow workers, managers to workers, workers to managers, workers to clients and clients to workers.

### **WHAT IS NOT WORKPLACE BULLYING**

Workplace bullying does not include reasonable management action carried out in a reasonable manner. The Company has rights and obligations to effectively direct and control the way work is carried out. It is reasonable for managers and supervisors to allocate work and to give fair and reasonable feedback on a worker's performance.

Examples of reasonable management action include:

- setting reasonable performance goals, standards and deadlines;
- rostering and allocating working hours where the requirements are reasonable;
- transferring a worker for operational reasons;
- deciding not to select a worker for promotion where a reasonable process is followed;
- disciplinary action (including investigations) taken in a reasonable manner;
- informing a worker about unsatisfactory work performance or inappropriate behaviour in an objective and confidential way;
- implementing organisational changes or restructuring; and
- termination of employment.

Management action has to be reasonable, not perfect, ideal, more reasonable nor more acceptable. Management action may still be reasonable if not all steps are followed, even a significant departure when the departure was reasonable in the circumstance. Reasonable management action is not referable to the worker's perception of the management action but of the actual management action in question.

Whether the management action was carried out in a reasonable manner is an objective question of fact in each case. It depends on all the facts and circumstances in each case.

Discrimination and harassment is not workplace bullying. However, allegations of discrimination and harassment are likewise not tolerated and is governed by the Discrimination and Harassment Policy.

Workplace conflict is generally not considered workplace bullying. Differences of opinion and disagreements in the workplace may arise without engaging in repeated, unreasonable behaviour that creates a risk to health and safety. This is because not all conflicts or disagreements have a negative impact on health. Low level and task based conflict can benefit the Company and the workers as it may generate debate leading to new ideas and innovation.

## **RESPONSIBILITIES**

Company responsibilities

It is the responsibility of the Company to:

- provide, as far as reasonably practicable, a work environment free of workplace bullying;
- proactively take steps to prevent workplace bullying;
- provide a mechanism to deal with complaints regarding workplace bullying in a prompt, professional and confidential manner; and
- not to victimise any person involved in a bullying complaint or investigation.

### **Worker responsibilities**

It is the responsibility of all workers:

to take care of their own health and safety including by reporting workplace bullying experienced or observed in the workplace;

- to behave in an appropriate manner and ensure that they do not engage in workplace bullying;
- if they are comfortable doing so, advise any worker or other person engaging in workplace bullying that it is inappropriate and it should cease immediately;
- to encourage other workers who have experienced workplace bullying to request that it stop or to report it;
- to ensure they do not aid, incite, encourage or otherwise assist other workers to engage in workplace bullying;
- to refrain from victimising any person involved in a workplace bullying complaint or investigation; and
- maintain confidentiality in relation to any workplace bullying complaint or investigation.

## **COMPLAINT PROCEDURE**

1. If you believe you or another worker are being subject to workplace bullying, you should:  
not ignore the matter thinking it will go away;
2. if you are comfortable to do so, you should ask the person undertaking the workplace bullying to stop; and
3. If you are not comfortable doing so or the workplace bullying does not stop you should immediately notify **Ahalya Maharaj**. by completing the complaint form attached to this policy. If you require assistance in completing the attached complaint form, please seek assistance from **Ahalya Maharaj**.

A reference in this policy to confidentiality means that, the Company and the worker must, as far as is reasonably practicable, keep the matter of the workplace bullying and any complaint or investigation into it on a need to know basis only. If you are unsure of who you can discuss a workplace bullying matter, complaint or investigation with please contact **Ahalya Maharaj**.

### **FRIVOLOUS OR VEXATIOUS COMPLAINTS**

The Company encourages the reporting of behaviour that a worker genuinely believes to be workplace bullying. Further a worker will not be disadvantaged or treated unfairly for dealing with workplace bullying in accordance with this policy.

However, if a complaint is found to be frivolous, vexatious or malicious, then disciplinary action up to dismissal may occur against the person making the complaint.

### **BREACH OF THIS POLICY**

If a worker engages in workplace bullying, or otherwise breaches this policy, they may be subject to disciplinary action up to and including the termination of employment or engagement with the Company.

Workers may also be personally liable for their own behaviour or conduct. This means that when a worker undertakes workplace bullying, the worker may be subject to penalty or subject to an order from the regulator, the Fair Work Commission or other relevant tribunal or court.

### **CONTACT PERSON**

If you have any queries in relation to this policy or workplace bullying generally, please contact **Ahalya Maharaj**.

If you have been or have any knowledge of someone who has been discriminated against, harassed, or sexually harassed you must report it to the producer.

**Ahalya Maharaj** - ph: 0466647144 email: [ahalya@vampaddockproductions.com](mailto:ahalya@vampaddockproductions.com)

All information is confidential and your concerns and reports will be taken seriously.

JUST A FARMER SPV PTY LTD  
*WORKPLACE BULLYING COMPLAINT FORM*

**PERSONAL DETAILS**

Date:
Name:
Email address:
Contact number:
Position:

**YOUR COMPLAINT**

Please describe in as much details the behaviour you say gives rise to workplace bullying (**relevant behaviour**) - please attach a separate page with the description of your complaint including all of the following.

In as much detail please include:

- the relevant date/s and place/s when the relevant behaviour occurred (including the date it started and the last time it happened);
- how often it happened - e.g. once, every now and then, monthly, weekly, almost every day;
- the name of the person/s you say is engaging in or otherwise involved in the relevant behaviour and their position/s;
- if you are not the person who is the subject of the relevant behaviour or it includes other persons, the names of the other person/s.

Please also specify what steps, if any, that you have taken to try to have the relevant behaviour stop. This should include detailing who, if anyone else, you have told about the relevant behaviour, including:

- their names and their connection to you;
- which event/s or incident/s of the relevant behaviour did you tell them about;
- when did you tell them;
- what it was that you told them.

**MAINTAINING CONFIDENTIALITY**

Only the people directly involved in making or investigating a complaint will have access to information about the complaint (except in circumstances necessitated by law where the alleged conduct is serious and/or may amount to criminal conduct). Please ensure that you maintain confidentiality and do not disclose details of your complaint except to the extent necessary to make your complaint in accordance with this complaint procedure.

**WITNESSES**

Please provide the names of any witnesses to these events:

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**YOUR COMPLAINT**

**SUPPORTING EVIDENCE**

If there are any documents that may help the Company investigate your complaint, please provide copies or advise where this information may be obtained.

**WHAT OUTCOME ARE YOU SEEKING FROM THIS COMPLAINT?**

E.g. that the workplace bullying stop, that you receive an apology, that disciplinary action be taken:

**SIGNED**

Signature:

Full name:

Date: